

AMENDED IN SENATE APRIL 22, 2015

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 530

Introduced by Senator Pan

February 26, 2015

An act to *amend Section 467.5 of, and to add Article 4.5 (commencing with Section 21215) to Chapter 1 of Division 11 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 530, as amended, Pan. ~~Quadricycles.~~ *Pedicabs.*

Existing law generally regulates the operation of bicycles, including, among other things, providing that a person operating a bicycle on the highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle, including a prohibition against operating a bicycle while under the influence of an alcoholic beverage or any drug. *These provisions also apply to a pedicab, as defined.* A violation of the provisions regulating the operation of a bicycle *or pedicab* is an offense.

~~This bill would regulate the operation of quadricycles. The bill would define a quadricycle, in part, as being pedal-powered and seating no more than 15 passengers. The bill would provide that a person operating a quadricycle on the highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle, including a prohibition against operating a quadricycle while under the influence of an alcoholic beverage or any drug. The bill would authorize consumption of alcoholic beverages by passengers on a quadricycle, as specified, if the local jurisdiction has authorized that consumption by ordinance or resolution. The bill would require certain safety equipment for the quadricycle and would require an annual inspection by local law enforcement entities~~

~~for compliance with those safety provisions. Because existing law would make expand the definition of a pedicab to include a device that is primarily or exclusively pedal-powered, has a seating capacity of not more than 15 passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire, as prescribed. The bill would impose specified requirements on these pedicabs defined by the bill, relating to, among other things, operator qualifications and training, safety equipment, and passenger alcohol consumption. Because a violation of these provisions would constitute an offense, this bill would create new crimes and expand the definition of an existing crime, and would thereby impose a state-mandated local program. By imposing additional duties on local law enforcement, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 467.5 of the Vehicle Code is amended to
2 read:
3 467.5. "Pedicab" means either of the following:
4 (a) A bicycle that has three or more wheels, that transports, or
5 is capable of transporting, passengers on seats attached to the
6 bicycle, that is operated by a person, and that is being used for
7 transporting passengers for hire.
8 (b) A bicycle that pulls a trailer, sidecar, or similar device, that
9 transports, or is capable of transporting, passengers on seats
10 attached to the trailer, sidecar, or similar device, that is operated
11 by a person, and that is being used for transporting passengers for
12 hire.

1 (c) A device that is primarily or exclusively pedal-powered, has
2 a seating capacity of not more than 15 passengers, cannot travel
3 in excess of 15 miles per hour, and is being used for transporting
4 passengers for hire. A pedicab defined under this subdivision is
5 subject to the requirements of Article 4.5 (commencing with Section
6 21215) of Chapter 1 of Division 11.

7 ~~SECTION 1.~~

8 SEC. 2. Article 4.5 (commencing with Section 21215) is added
9 to Chapter 1 of Division 11 of the Vehicle Code, to read:

10
11 Article 4.5. Operation of ~~Quadricycles~~ *Pedicabs*
12

13 21215. A pedicab defined in subdivision (c) of Section 467.5
14 shall operate subject to all of the following requirements:

15 (a) The operator of the pedicab shall be at least 21 years of
16 age, with a valid California driver's license.

17 (b) The pedicab shall be equipped with seat belts for all
18 passengers, seat backs, brakes, reflectors, headlights, and grab
19 rails.

20 (c) A pedicab that does not meet the equipment requirements
21 of subdivision (b) shall meet those requirements by January 1,
22 2017, in order to continue operation.

23 (d) (1) If a local authority authorizes on-board alcohol
24 consumption by passengers, the operator of the pedicab shall meet
25 both of the following requirements:

26 (A) Provide an on board safety monitor who is at least 21 years
27 of age.

28 (B) Both the driver and safety monitor shall have completed the
29 Licensee Education on Alcohol and Drugs (LEAD) program
30 implemented by the Department of Alcoholic Beverage Control.

31 (2) For purposes of this subdivision, passengers who are
32 pedaling the device are not operators.

33 21215.5. This article does not preclude a local authority from
34 imposing more stringent operating or equipment requirements on
35 a pedicab subject to this article.

36 ~~21215. (a) For purposes of this article, a quadricycle means a~~
37 ~~device that meets all of the following:~~

38 ~~(1) Is powered primarily by pedal-power.~~

39 ~~(2) Has an electric motor that is used to propel it during~~
40 ~~emergencies, but not during regular operation of the quadricycle.~~

1 ~~(3) Cannot travel in excess of 15 miles per hour.~~

2 ~~(4) Has a seating capacity of not more than 15 passengers.~~

3 ~~(b) Notwithstanding paragraph (2) of subdivision (a), a~~
4 ~~quadricycle as defined in this section is a device moved exclusively~~
5 ~~by human power for purposes of Section 670.~~

6 ~~21215.2.— A person operating a quadricycle upon a highway~~
7 ~~has all the rights and is subject to all the provisions applicable to~~
8 ~~the driver of a vehicle by this division, including, but not limited~~
9 ~~to, provisions concerning driving under the influence of alcoholic~~
10 ~~beverages or drugs, and by Division 10 (commencing with Section~~
11 ~~20000), Section 27400, and Division 18 (commencing with Section~~
12 ~~42000), except those provisions that by their very nature can have~~
13 ~~no application.~~

14 ~~21215.4.— Notwithstanding Section 21215.2, it is unlawful for~~
15 ~~any person to operate a quadricycle upon a highway while under~~
16 ~~the influence of an alcoholic beverage or any drug, or under the~~
17 ~~combined influence of an alcoholic beverage and any drug. Any~~
18 ~~person arrested for a violation of this section may request to have~~
19 ~~a chemical test made of the person's blood, breath, or urine for the~~
20 ~~purpose of determining the alcoholic or drug content of that~~
21 ~~person's blood pursuant to Section 23612, and, if so requested,~~
22 ~~the arresting officer shall have the test performed. A conviction~~
23 ~~of a violation of this section shall be punished by a fine of not~~
24 ~~more than two hundred fifty dollars (\$250). Violations of this~~
25 ~~section are subject to Section 13202.5.~~

26 ~~21215.6.— (a) Notwithstanding any other law, alcoholic~~
27 ~~beverages may be consumed by passengers on the quadricycle if~~
28 ~~all of the following are met:~~

29 ~~(1) The local jurisdiction in which the quadricycle operates has,~~
30 ~~by ordinance or resolution, authorized the consumption of alcoholic~~
31 ~~beverages in a quadricycle.~~

32 ~~(2) A safety monitor who is 21 years of age or older is present~~
33 ~~on the quadricycle when alcohol is consumed.~~

34 ~~(3) The operator of the quadricycle does not consume alcohol~~
35 ~~while operating the quadricycle.~~

36 ~~(4) Alcohol is supplied by passengers.~~

37 ~~(5) Alcohol is provided in plastic containers.~~

38 ~~(6) Glass containers of alcohol are not permitted in a~~
39 ~~quadricycle.~~

1 ~~(7) Distilled spirits, as defined in Section 23005 of the Business~~
2 ~~and Professions Code, are not consumed in a quadricycle.~~

3 ~~21215.8. (a) A quadricycle providing transportation service~~
4 ~~pursuant to this article shall be operated by a driver who is over~~
5 ~~21 years of age. The operator shall possess a Class C driver's~~
6 ~~license.~~

7 ~~(b) The operator and safety monitor shall attend and~~
8 ~~satisfactorily complete the Licensee Education on Alcohol and~~
9 ~~Drugs program implemented by the Department of Alcoholic~~
10 ~~Beverage Control.~~

11 ~~21215.10. Passengers shall remain seated while the quadricycle~~
12 ~~is in motion. A safety monitor is not a passenger for purposes of~~
13 ~~this article and is not required to be seated during the operation of~~
14 ~~the quadricycle.~~

15 ~~21215.12. (a) A quadricycle shall be equipped with hydraulic~~
16 ~~brakes.~~

17 ~~(b) A quadricycle shall be equipped with two headlights that~~
18 ~~each emit a white light that, while the quadricycle is in motion,~~
19 ~~illuminates the highway or road in front of the quadricycle and is~~
20 ~~visible from a distance of 300 feet in front and from the sides of~~
21 ~~the quadricycle.~~

22 ~~(c) A quadricycle shall be equipped with at least 2 red reflectors~~
23 ~~on the back and each side of the quadricycle that shall be visible~~
24 ~~from a distance of 500 feet to the rear when directly in front of~~
25 ~~lawful upper beams of headlamps on a motor vehicle.~~

26 ~~(d) The quadricycle shall be equipped with a solid floor covering~~
27 ~~the entire passenger area.~~

28 ~~21215.14. (a) A local law enforcement agency with jurisdiction~~
29 ~~over the area in which the quadricycle operates shall inspect the~~
30 ~~quadricycle annually to ensure compliance with Section 21215.12.~~
31 ~~The agency may charge a reasonable fee to cover the costs of the~~
32 ~~inspection and issuance of a certificate evidencing the quadricycle~~
33 ~~has passed the inspection.~~

34 ~~(b) An inspection certificate issued pursuant to subdivision (a)~~
35 ~~shall be maintained at the quadricycle owner's principal place of~~
36 ~~business and shall be available for inspection during business~~
37 ~~hours.~~

38 ~~SEC. 2.~~

39 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
40 ~~Section 6 of Article XIII B of the California Constitution for certain~~

1 costs that may be incurred by a local agency or school district
2 because, in that regard, this act creates a new crime or infraction,
3 eliminates a crime or infraction, or changes the penalty for a crime
4 or infraction, within the meaning of Section 17556 of the
5 Government Code, or changes the definition of a crime within the
6 meaning of Section 6 of Article XIII B of the California
7 Constitution.

8 However, if the Commission on State Mandates determines that
9 this act contains other costs mandated by the state, reimbursement
10 to local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.